

Eighteen and Under Still in Juvenile Court

The argument continues to stand about juveniles being tried in adult courts. Trying juveniles in adult court when they are still under the age of eighteen is an unsuccessful way to handle these criminals. There are alternatives to the situation at hand that do not require either extreme found in this debate. Juveniles should be tried as such until they are of the age of 18, when they can then be retried and put in adult prisons if found necessary.

People who are for juveniles being tried as adults argue that the punishment that is given at adult trials is what is deserved. People argue that once a young adult can understand that what they are doing is wrong, they should be able to take the consequence that comes with it. A study was done and referenced in Megan C. Kurylc hek and Brian D. Johnson's article "The Juvenile Penalty: A Comparison of Juvenile and Young Adult Sentencing Outcomes in Criminal Court" that spoke about blameworthiness. It spoke about how juveniles tried in the juvenile court system are thought of as less blameworthy because of their lack of control over their behavior (491). These points are not the most important thing when it comes to thinking about the future of our society and getting these people functioning when they are back in society.

The emotional maturity of the juveniles is still changing. The emotional maturity of a juvenile can vary, which can make it difficult for them to live in the conditions of prisons (Poythress 76). This emotional maturity could be handled by the availability of mental services, but these services are unavailable in adult prisons (Choo par. 13). Emotional maturity is an

important factor to rehabilitation that should be thought about when deciding whether juvenile delinquency centers are a better choice for those under eighteen. The juveniles in juvenile delinquency centers are able to get help for many of their problems. At juvenile detention centers many more options are available for them there to get counseling. In the article by Daniel C. Murrie et al., they write about the amount of juveniles who are found to have mental disorders, which is about 60 percent (par 1). Often times these helpful counselors are able to help them recognize their problems, so when they are in the “real world” again they have a better chance of succeeding. The extra available help creates a better way for the juveniles to learn from what they have done and hopefully become successful in the future. This is the goal, to have functioning, well-adjusted people, when their time in juvenile delinquency centers is up. It is important to get the juveniles mentally healthy and to do this they must have the opportunity to work with counselors.

Another reason that juveniles should not be tried in adult courts is because of the environment of an adult prison. These young people are put in a situation where they are forced to interact with other prisoners, and this can cause for a bad situation. Joseph R. Biden, in his article “Attacking Youth Violence,” writes, “they might be assaulted, raped, or sodomized by the adult prisoners while inside an adult facility” (par. 23). Having the juveniles in this situation can be a very frightening one. This shows that they will be treated no differently than any other prisoner. This can lead to a more violent person when the prisoners get released (Biden par. 23). The violence that the criminals are exposed to can then be projected at others when they are released from prison.

Juveniles are also given less attention in the adult prisons with their physical needs while they are still growing. They are still in the midst of growing up and their bodies are still

developing. In the article “Minor Hardships” the author speaks about one encounter she had with a prison with juveniles in it: “Fed the standard adult prison diet of about 2,500 calories a day, the adolescents, who may require as much 4,000 calories a day, reported that they were always hungry” (Choo par 3). This is a terrible thing for an adolescent. They are still developing physically, and in order to fully develop, these needs must be met. It is hard for the government to make certain exceptions in prison for the juveniles, so it is a much better solution to keep juveniles in juvenile delinquency centers until they are able to be retried at age eighteen.

Those who fight for juveniles to be tried in adult courts argue that there are ways to fix the problems found in the actual prisons. In the article “The Correctional Experiences of Youth in Adult and Juvenile Prisons,” it speaks about the new facilities often found to keep juveniles, away from these problems, such as threats from other prisoners and the harsh conditions (Kupchik 249). Here they are not exposed to such harsh realities found in the prison and are specifically for adults. They are able to be monitored and kept away from other prisoners so that their living environment can become safer. These facilities tend to resemble juvenile delinquency centers. They are a waste of the government’s money. There are already facilities that provide these resources and very similarly resemble these new areas. If the people in juvenile centers are thought to need more time in prison after their time in the delinquency centers, they can then be moved rather than wasting extra money on new facilities.

There is also the argument that if a juvenile commits a terrible crime, such as murder, they should have to deal with the adult consequence. Rather than coming to such a drastic conclusions, there is another solution with an equally good effect. It is important for a jury or judge to be able to reassess the case once the juvenile delinquent is past the age that they would be tried in juvenile courts. It is important for the juveniles have the opportunity to grow and be in

an environment where they can be safer, even if they are terrible criminals. If a judge or a jury, at the time of their coming of age, 18, decides it is best to put them in prisons then that would be a good time to decide that. A 'grown up' crime deserves more than a few years in a juvenile delinquency center, but it is better to keep them in a safe environment until they are more emotionally and physically capable of handling the situation of jail time.

Juveniles should continue to be tried as such until they reach the age of adulthood, eighteen. It is important for juveniles to be in an environment that is acceptable for their age instead of the automatic move up with adults who are much older. The circumstances in adult prisons are unacceptable for those who have not reached adulthood. The best solution to this problem would be to continue to try juveniles in juvenile court and then, once they reach the age of eighteen, to be susceptible to adult courts and prisons. Once the criminal has reached the age of eighteen a jury or a judge could make the decision of whether or not they need to be put in an adult prison. This is an effective way to get a punishment that can be acceptable for a large amount of different crimes and can make sure the juveniles get the right kind of treatment and are able to develop fully.

Works Cited

- "Should Juveniles be tried as Adults?" *Socialissues.wiseto.com*. Wise to Social Issues, 2007. Web. 11 Nov. 2009.
- Kurlychek, Megan C., and Brian D. Johnson. "The Juvenile Penalty: A Comparison of Juvenile and Young Adult Sentencing Outcomes in Criminal Court." *Criminology* 42.2 (2004): 485-514. *ProQuest*. Web. 02 Nov. 2009.
- Poythress, Norman et al. "The Competence-Related Abilities of Adolescent Defendants in Criminal Court." *Law and Human Behavior* 30.1 (2006): 75-92. *ProQuest*. Web. 02 Nov. 2009.
- Choo, Kristin. "Minor Hardships." *ABA Journal* 86 (2000): 20-21. *ProQuest*. Web. 16 Nov. 2009.
- Murrie, Daniel C. et al. "Psychiatric Symptoms Among Juveniles Incarcerated in Adult Prison." *Psychiatric Services* 60.8 (2009): 1092-097. *Proquest*. Web. 11 Nov. 2009.
- Biden, Joseph R. "Attacking Youth Violence." *Criminal Justice Ethics* 17.1 (1998). *Academic OneFile*. Web. 16 Nov. 2009.
- Kupchik, Aaron. "The Correctional Experiences of Youth in Adult and Juvenile Prisons." *Justice Quarterly* 24.2 (2007): 247-70. *ProQuest*. Web. 02 Nov. 2009.